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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial report of States parties due in 1992

Addendum

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

[13 February 1996]

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I. INTRODUCTION

A. Position and efforts of the Government of the Democratic People's Republic of Korea to guarantee the rights of the child

1. It is well known that the great President Kim Il Sung said years ago that in the Democratic People's Republic of Korea the child is king of the country and nothing is spared for children. The word "king" is used metaphorically for a person who enjoys every privilege. The words of the President clearly show the position of the Government, namely to offer every privilege and preference to children. The Government takes good care of children not only as minors in need of attention and protection but as the treasure of the country and the successors in the great cause of realizing the ideal of mankind and carving out the future destiny of the country and nation. The Government spares nothing for children and tries to establish a social atmosphere of taking best care of and granting benefits to children. As a result, it is now a popularized social consciousness and convention and an important guideline of the people's power organs to pay attention to children and give them preferential opportunities for the things they need.

2. In the Democratic People's Republic of Korea, a people's power organ is the protector of the independent rights of the masses and the custodian of people's life. For the questions related to children too, the Government assumes direct responsibility. The Government acknowledges that a favourable family environment and the responsible role of parents ought to be respected and encouraged for the health, education and exercise of civil rights of children, and that conditions should be offered for the development of their individual talents and the realization of their wishes.

3. However, it is the viewpoint of the Government that, as children are also members of the society, the society and the State play an important role in carving their destiny. The Government endeavours to discharge fully its mission and obligations by actually enforcing a free medical-care system, a free compulsory education system and other progressive systems of the State and the society and responsibly providing every legal social, material and economic condition for the realization of the rights of the child.

4. The Government has set forth the clear target of bringing up the young generation and the ways to realize it based on the position that the future of mankind and the prospects of a nation are entirely dependent on the child. The target is to educate children to become human beings, comprehensively developed and reliably prepared in terms of knowledge, spiritual virtue and physical health. The Government guarantees this through a completely free compulsory education and a universal free medical-care system.

5. The Government has made strenuous efforts to ensure the rights of the child since it came to power. The work to realize the rights of the child has a long tradition in the Democratic People's Republic of Korea. The "Ten-Point Programme of the Association for the Restoration of the Fatherland", which was issued on 5 May 1936, when Korean patriots were waging a war against the colonial rule of the Japanese imperialists, called for the abolition of any

system of discrimination, the institution of a free compulsory education system, prohibition of the employment of children and other basics for the rights of the child.

6. The Provisional People's Committee of North Korea, the people's power organ that existed immediately after liberation, discussed the question of pencil production at its first session in February 1946 as its first agenda item since its establishment to take measures for the education of the chil and adopted the decision entitled "Regulations on the school education syst of North Korea and measures for its realization" in December 1946 to abolis the education system of colonial slavery and set up a new popular education system.

7. Even in the days of the hard-fought Fatherland Liberation War (June 1950-July 1953), school education continued in various forms, bearing mind the actual situation. The Government protected and educated children a more active way by setting up schools for the sons and daughters of patriotic martyrs in January 1951 and baby farms for war orphans in April 1951. Though the situation was difficult, the Government introduced free medical system in January 1953.

Development of the education system after the war

Year	Content	Legal basis
1956	Introduction of compulsory primary education system. Abolition of tuition fees in primary schools	Decision of the ninth sessio of the First Supreme People' Assembly (11 March 1955)
1958	Introduction of compulsory secondary education system. Abolition of tuition fees in secondary schools	Decree
1959	Abolition of all tuition fees	Cabinet decision (2 March 1959)
1967	Introduction of universal compulsory 9-year technical education	Law of the Supreme People's Assembly (November 1966)
1973	Introduction of universal compulsory 10-year senior middle-school education and compulsory 1-year preschool education	Law of the Supreme People's Assembly (9 April 1973)
1975	Completion of the universal compulsory 11-year free education system	Law of the Supreme People's Assembly (fifth session of the fifth Supreme People's Assembly)

8. Along with the progress in the struggle for the construction of a new society after the war, the Government of the Republic introduced and develop the universal free compulsory education system and adopted the Law on Educating and Rearing Children on 29 April 1976, to frame in law the State policy of Society's responsibility for bringing up and educating children.

3 April 1989, the completely free medical system and the prophylactic line that had been enforced in the Republic were made into law by the adoption of the Public Health Law, and the preventive medical service for children was firmly guaranteed.

9. The Civil Law, adopted on 5 September 1990, defined the civil rights of children, and the Family Law, adopted on 24 October 1990, provided for the special protection of children in family relations.

B. Aims and significance of accession to the Convention

10. The Government of the Democratic People's Republic of Korea admitted that the principles and requirements of the Convention coincided with its principled position in many aspects and were necessary for the realization of the ideal and wishes of mankind and acceded to the Convention in September 1990.

11. The aim of the Democratic People's Republic of Korea when it acceded to the Convention was to protect and improve the rights of the child more reliably by developing the exchange of advanced experiences in the realization of the rights of the child on a world-wide scale and the promotion of international assistance and cooperation in the protection and education of children.

12. By its affiliation with the Convention, the Government came to have a broader legal guarantee for the realization of the rights of the child.

C. Measures for and method of preparing the report

13. The Government of the Democratic People's Republic of Korea took every step for the preparation of the first report on its implementation of the Convention according to paragraph 1, article 44 thereof. A report preparation committee was formed comprising experts of the Foreign Ministry, the Education Commission, the Ministry of Public Health, the Legislative Department of the Standing Committee of the Supreme People's Assembly, the League of Socialist Working Youth of Korea, the Democratic Women's Union, the Research Institute of Law under the Academy of Social Science and the judicial and procuratorial organs, which comprehensively reviewed the implementation of the Convention at the national level and drafted the present report. The report covers the period from the ratification of the Convention by the Democratic People's Republic of Korea to 1994.

14. The Committee endeavoured to describe clearly, with appropriate data, the legal and administrative steps taken by the Government for the rights of the child, along with their implementation status, and provided statistical information, where appropriate.

15. In the report, the Committee, while strictly following the system and requirements of the guidelines, presented some additional information deriving from the specific realities of the country and confined itself to very simple

statements only, on drug abuse, sexual exploitation, the abduction or sale or traffic in children and other issues that do not arise in the Democratic People's Republic of Korea.

II. GENERAL MEASURES FOR IMPLEMENTATION

A. Embodiment of the requirements of the Convention in national laws and policies

16. The Government of the Democratic People's Republic of Korea, inter ali reconfirmed or made amendments and additions to existing laws:

(a) In April 1992, the third session of the ninth Supreme People's Assembly revised the Socialist Constitution of the Democratic People's Republic of Korea to bring it into line with the emerging realities. The Constitution, reflecting the achievements of the Government, provides for raising the new generation as reliable human beings who are knowledgeable, morally sound and physically healthy (art. 43), developing universal compulsory 11-year education (art. 45), providing education to all pupils a students free of charge (art. 47), maintaining all children of preschool ag in crèches and kindergartens at State and public expense (art. 49), consolidating and developing the system of universal free medical service (art. 56), special protection of mothers and children (art. 76), etc;

(b) The Law on Educating and Rearing Children adopted in April 1976 details the principled requirements of raising children at State and public expense, the practical method of educating and bringing children up in a scientific and cultural way, the tasks of crèche and kindergarten teachers, the modes of setting up child-care institutions, guidance and management of the work to educate and bring children up and so on;

(c) The Public Health Law stipulates that the State should provide t benefits of complete and universal free medical service to all children, wi no restriction and take good care of the health, nutrition and hygiene of children in a scientific way (see paras. 120-135 below), the Socialist Labo Law prohibits employment of children (see para. 198) and the Criminal Law a the Criminal Procedures Act lay down the principles of penal policy for the special protection of children.

17. The Democratic People's Republic of Korea embodied the requirements o the Convention by adopting new laws:

(a) The Civil Law adopted in September 1990 determines equal capacit of civil rights between adults and children (art. 19), grants the possibili of civil action by children through their parents or guardians (art. 21) an elaborates the methods of discharging civil responsibility (arts. 243 and 244), following the requirements of articles 2, 3, 12, 16, etc., of the Convention;

(b) The Family Law adopted in October 1990 provides for special protection of the interests of children and mothers (art. 6) and the

responsibility of parents for children's education, health, physical development (arts. 27 and 28) and covers the questions of step-children, adoption and its annulment, guardianship, inheritance, etc., exclusively in the interests of the children, in view of articles 3, 9 to 11, 18, 20 and 21, etc., of the Convention.

18. As is seen above, most of the requirements of the Convention have long been in force in the Democratic People,s Republic of Korea, some to a transcendental degree.

19. The Government, steadily paying great attention to the health and education of children, has mapped out a brilliant future. It set forth the strategic tasks of protecting children's health more thoroughly and of supplying them with better conditions for education between 1990 and 2000, with a view to developing the State policies of the universal free medical service, the universal compulsory 11-year free education, the system of educating and bringing children up under the responsibility of the State, granting special benefits to mothers, etc.

20. The tasks are, in brief:

(a) To strengthen the material and technical basis of the health-care institutions for children, build new research facilities or expand existing ones and enhance medical service for children in order to protect children's health;

(b) To improve the educational environment, content and method, modernize educational facilities, develop research for new methods of education and work to train teachers systematically, in order to develop the education of children;

(c) To supply hygienic drinking water, etc.

21. In addition, the Government put forward clear indices to be conquered in the fields of public health, nutrition, maternal health, family planning, education, etc., for the development of child protection between 1990 and 2000.

B. Structure for the fulfilment of child-related policies and for monitoring the implementation of the Convention

22. In the Democratic People's Republic of Korea, the State policies for children constitute an important part of the work of different State organs and public organizations. Among scientific research organs, too, there are institutes for children's education, health and development.

23. The major State organs that are concerned with the fulfilment of child-related policies are the Ministry of General Education (under the Education Commission), the Ministry of Public Health and the Ministry of Commerce (under the Commission on Public Welfare), which are branch organs of the Administration Council.

24. The Ministry of General Education administers the whole of child education, including the precise enforcement of universal compulsory 11-year education. The Ministry consists of the Department for the Administration of General Education, the Department for the Administration of Kindergartens, the Department of Science and Educational Method and other specialized departments in charge of other sectors of child education and supporting material. Local organs for educational administration are the educational department of the provincial (or municipal) administrative and economic committee and the educational section of the administrative and economic committee of city (or district) and county.

25. The Ministry of Public Health is the public health administration organ that carries out the child health-care policy through its administration of the complete and universal free medical-care system. The Ministry has the Department of Treatment and Prevention, the Department of Crèche Administration and others that are necessary for the fulfilment of the child health-care policy. The Department of Crèche Administration coordinates all aspects of the nursing of children at the crèche stage.

26. The Ministry of Commerce, the commercial administrative organ of the Government, materially supports child-raising and education through its unified administration of commodity supplies and commodity sales service. The administrative department of material supplies for crèches and kindergartens under the Ministry supplies material through material supply centres for crèches and kindergartens.

27. There are such public organizations for the support of the rights of the child as the Socialist Working Youth League of Korea, the Korean Democratic Women's Union, etc.

(a) The Socialist Working Youth League of Korea is a mass organization of young people that guides the study and life of primary and senior middle schools pupils.

(b) The Korean Democratic Women's Union, the mass organization of working women, pays great attention to the improvement of the activities of women and the family in the education and upbringing of children, as a part of its own work.

28. As research organs for child education and health-care, there are the Academy of Educational Science and the Institute for Research into Nutritional Care of the Child, the Institute for Research into Nutritional Foodstuffs for the Child, the Section of Child Health-care Arrangements and Methods, the Institute for Research into Child Hygiene, etc. under the Korean Academy of Medical Science. These research organs assure scientific assistance to the State organs that administer the fulfilment of child-related policies.

C. Measures for the dissemination of the principles and provisions of the Convention

29. After its accession to the Convention, the Government of the Democratic People's Republic of Korea took measures to disseminate the provisions and principles of the Convention as required by article 42. The measures include

lectures, short courses, seminars, publications, reports, propaganda, notification through mass organizations, education through schools, etc.

30. In September 1990, after its accession to the Convention, the Government organized lecture meetings for the officials of the central organs on the topics of the international situation that had given rise to the Convention, the particulars of the Democratic People's Republic of Korea's accession to the Convention, the popular principles and requirements of the Convention, etc.

31. In August 1991, the Government disseminated information on the purpose and significance of its accession to the Convention, the principled requirements of the provisions of the Convention, the tasks for the implementation of the Convention and the way to realize them through the officials of the Education Commission, the Ministry of Public Health, the Commission on Public Welfare, the Central Committee of the Socialist Working Youth League of Korea and the Central Committee of the Korean Democratic Women's Union.

32. Lecture meetings and short courses on the implementation of the Convention were organized in each province and county as well, in conformity with the local realities.

33. The Government reported its accession to the Convention through mass media, the Foreign Languages Publishing House translated and published 5,000 copies of the full text of the Convention, and the Kumsong Youth Publishing House and the Educational Books Publishing House published tens of thousands of copies of different booklets on the role of the State and society in the realization of the rights of the child.

34. The text and guidebooks to the Convention were distributed not only at the government level to State organs and local administrative organs, but to public organizations, including the Socialist Working Youth League of Korea and Korean Democratic Women's Union. On the occasion of the International Day of the Child (1 June) and the anniversary of the Democratic People's Republic of Korea affiliation with the Convention, posters, commemorative stamps and other propaganda articles were produced and disseminated to the whole country.

35. Along with the submission of the present report to the United Nations, the Government distributed a notification and the copies of the report to the central and local people's power organs, educational and public health organs, the Socialist Working Youth League of Korea and the Korean Democratic Women's Union.

D. International cooperation and exchange

36. The Government of the Democratic People's Republic of Korea continues to expand and develop its cooperation and exchange with the international organizations concerned and with many other countries in its implementation of the Convention. Specifically, the ties between the Democratic People's Republic of Korea and the United Nations Children's Fund (UNICEF) developed even more after its accession to the Convention. The cooperation offered by UNICEF has been a valuable help in the implementation of the Convention.

37. The Government of the Democratic People's Republic of Korea will in the future, too, spare no effort to develop further its friendly and cooperative relations with international organizations and other countries.

III. DEFINITION OF THE CHILD (art. 1)

38. The Civil Law adopted on 5 September 1991, following the requirement of the Constitution, defined that majority is attained at the age of 17 (art. 20 of the Civil Law). This is one year earlier than the definition in article 1 of the Convention, but is based on the reality that one is mature enough physiologically and physically and reaches the level of an adult mentally and morally at the age of 17.

39. In the Democratic People's Republic of Korea, children finish the senior middle-school course at the age of 16 according to the universal compulsory 11-year education system, followed by 1 year's vocational education before they go out to the world as full-fledged adults.

IV. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

40 The requirement of article 2 was already basically satisfied in the period of democratic reform immediately after liberation in 1946:

(a) The Democratic People's Republic of Korea is a homogeneous nation and does not have the question of race, skin colour, language or ethnic discrimination;

(b) By the Law on Sex Equality of 1946, women were endowed with equal rights with men, and this has become deep-rooted in the social consciousness. Sex equality applies fully to children as well;

(c) A final end was put to any discrimination on the ground of religion, political opinion and social status immediately after liberation by the democratic laws. Article 65 of the current Socialist Constitution lays down that citizens enjoy equal rights in all spheres of State and Public Activity;

(d) Gaps between families in terms of property are very small today as a result of the elevated role of the people's power organs in their capacity of custodians of people's life. Therefore, discrimination by property status does not exist either in the form of policy or social consciousness;

(e) There is no legal discrimination of any kind against children either malformed at birth or crippled after birth and, on the contrary, special social protection measures are taken for them. Disabled children are provided with adequate education, including blind and dumb schools, and the facilities offered to them for their school attendance or medical treatment very according to the individual cases of disability (see paras. 136-140 below).

B. Best interests of the child (art. 3)

41. It is the invariable principle of State policy to take the interests of the child into primary consideration. Article 76 of the Socialist Constitution and article 6 of the Family Law define special protection of the interests of children and mothers, and article 12 of the Law on Educating and Rearing Children state that the State and public cooperative organizations should supply, on their own responsibility, the things needed for the education and rearing of children under the principle "the best for the children!".

42. By article 22 of the Family Law, the one who is to bring up children after the parents' divorce is decided in the interest of the children.

43. The Family Law Article 6, paragraph 2, requires the State to direct primary attention to supplying mothers with the conditions for educating and bringing up their children soundly. The obligations of parents in the education of children are defined in article 27 and the duty of parents to be responsible for and take care of the health and physical growth of their children is defined in article 28.

44. Parents in this law includes children's legal guardians as well as natural parents. The implementation of the provisions of the Family Law defining the duty of parents and legal guardians to protect and look after their children is supervised by the population administration organs (art. 45 of the Law) and serious violations of the requirements are dealt with by law in courts concerned.

45. The Democratic People's Republic of Korea underlines the role of parents, but attaches greater importance to the full-time State institutions for rearing and educating children in the protection and rearing of children.

46. The interests of children are thoroughly protected by the special State institutions for child rearing and education. The State administration organs always pay great attention to the administration of and the material supplies for the institutions. This work principle of the State administration organs is reflected in articles 47 to 49 of the Law on Educating and Rearing Children.

47. As is seen above, the legal provisions on the best interests of the child are wide-ranging and exhaustive in the Democratic People's Republic of Korea. The requirement of the Government to offer special benefits and preferential rights to children is now embodied in the orderly national work system and has become deep-rooted in the consciousness of the people.

C. Right to life, survival and development of the child (art. 6)

48. The Government of the Democratic People's Republic of Korea does not permit the slightest encroachment upon the life of the child and ensures children the best conditions for survival and development.

49. The right to inviolability of the person defined in article 78 of the Socialist Constitution does not make an exception for children, and their life is protected by article 56.

50. There is no provision for considering the life of a child, even a newborn, less important than that of an adult. On the contrary, a heavier penalty is due according to the Criminal Law if a crime is committed against a child (art. 153) or if a person has encouraged a minor to commit or take part in a crime (art. 132).

51. By strict directive of the public health administration organ, a ban is placed on illegal medical practices using the internal organs or parts of a human body, including those of children.

52. The principled requirement to provide children with the right to survival and development is intensively reflected in chapter 2 of the Law on Educating and Rearing Children, which stipulates the education and rearing of children at State and public expense, and in the Public Health Law as well as other laws and regulations of education (see sect. VII. A below).

D. Respect for the views of the child (art. 12)

53. Children are also unreservedly guaranteed, like other citizens, freedom of speech, of the press, of assembly, demonstration, association and religious belief and the right to submit complaints and petitions provided for in articles 67 to 69 of the Socialist Constitution. This is on the assumption that the child is capable of forming his or her own views.

54. In special legal actions, the opinion of a child is to be considered carefully. Article 31, paragraph 2, of the Family Law stipulates that, when a child of more than six years of age is to be adopted, his or her agreement is needed. According to the Law on Nationality, the nationality of a child may be changed only with his or her agreement.

55. By virtue of article 147 of the Criminal Procedures Act, the voluntary testimony of a child has the value of evidence if it coincides with others and thus children are provided with the opportunity to take the floor in court directly or by proxy.

56. The details of the embodiment of the principle of respecting children's views are described in paragraphs 67 to 71 and 79 to 83 below.

V. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality (art. 7)

57. In the Democratic People's Republic of Korea, every child is registered with the population administration organ and the identity registration organ and is issued with a birth certificate within 15 days from birth, in accordance with the regulations on identity registration. A birth certificate has the child's name, sex, birth date, birthplace, nationality and parents'

names on it. By its birth registration, the child is endowed with the right to receive all sorts of social benefits. There have not been any cases of avoiding or overlooking birth registration.

58. Children, in principle, follow the family name of kinship, which is the national tradition. This is mentioned in article 26 of the Family Law: "Children shall follow the family name of their father. If this is impossible, they may follow that of their mother, and in case both parents are unknown, the population administration organ shall decide". Newborn children are traditionally named by their parents, grandparents or close relations and there is no legal regulation on how to coin names.

59. Children are guaranteed the right to nationality after birth by law. Article 62 of the Socialist Constitution reads: "The terms for becoming a citizen of the Democratic People's Republic of Korea are defined by the Law on Nationality," which provides that the nationality of a newborn child shall be decided mainly by blood ties and in some particular cases by birthplace. Under this principle, a child born of citizens of the Democratic People's Republic of Korea is a citizen of the Democratic People's Republic of Korea irrespective of its birthplace and a child born in the territory of the Democratic People's Republic of Korea between a citizen of the Democratic People's Republic of Korea and a foreigner is also a citizen of the Democratic People's Republic of Korea.

60. The nationality of a child born between an overseas citizen of the Democratic People's Republic of Korea and a foreigner is decided according to the will of the parents or guardians. That of a minor above 14 years of age follows the will of parents or guardians subject to the agreement of the minor. If the intention of a minor differs from that of his or her parents or guardians, the former has greater weight. If parents acquire or lose the citizenship of the Democratic People's Republic of Korea, the nationality of a child under 14 years of age is changed to that of the parents except that of a child between 14 and 16 years of age is changed only with his or her own agreement and the will of the parents. In this case, if the parents have no view or a different view, the intention of the minor is respected. If one of the parents who have the citizenship of the Democratic People's Republic of Korea changes citizenship the nationality of the child remains unchanged.

61. In the Democratic People's Republic of Korea, no child is found without nationality by the thorough implementation of the Law on Nationality. If there should be a child whose parents or relations are not know at all, the population administration organ would give it a name, register it and bring it up on its own responsibility.

B. Preservation of identity (art. 8)

62. The Democratic People's Republic of Korea respects the right of a child to preserve its identity, including nationality, name and family relation.

63. The Democratic People's Republic of Korea does not have any criminal or civil penalty of depriving one of or altering the whole or part of one's

identity, including nationality, name and family relation. The name of a child who is 14 or more years old may be changed only if the child agrees, just like his or her nationality.

64. Even when parents have committed a crime and assume criminal responsibility, their children are not forced to give up or alter their relation with their parents.

65. The Japanese imperialists, when they were occupying Korea, pursued the policy of so-called "changing names" to deprive Korean people of both their family and given names and force Japanese names on them. This was one of the most vicious anti-human colonial policies of the Japanese imperialists, geared to national assimilation. After liberation, the Government let the people restore their names downtrodden by the Japanese imperialists, and protected them.

66. The Democratic People's Republic of Korea Government does not permit any encroachment upon the intrinsic identity of the nation and its descendants.

C. Freedom of expression (art. 13)

67. The Socialist Constitution of the Democratic People's Republic of Korea defines freedom of expression as one of the fundamental rights of citizens. The right to freedom of speech and of the press stipulated in article 67 belongs to all citizens irrespective of age. Children are entitled to express their ideas, views and feelings freely by verbal and written language or other means just as adults do.

68. Especially by the right to submit complaints and petitions granted in article 69 of the Socialist Constitution, children may freely appeal against the Government, public organizations and other authoritative or service organs and petition for the resolution of their justifiable requirements. Complaints and petitions may be submitted by children to population administration or legal organs either in the form of oral or written messages or by proxy. The organ that has received complaints and petitions reviews them in good time and informs the person concerned of the result. Deliberately ignoring or dealing wrongly with a petition or a complaint is subject to a criminal punishment under article 127 of the Criminal Law.

69. The Government of the Democratic People's Republic of Korea has paid great attention to creating social conditions to enable children to express their ideas freely while laying the legal structure for ensuring freedom of expression. The basic medium through which children exercise the right to freedom of expression in practice is the activities of the Socialist Working Youth League of Korea or the Children's Corps. The Socialist Working Youth League of Korea or the Children's Corps activities are the channel through which children actively express and carry out their will, based upon democratic principles. Therefore the Government actively supports and protects the democratic activities of the Socialist Working Youth League of Korea or the Children's Corps organizations. This constitutes the major government measure to create and ensure the social conditions for children's freedom of expression.

70. Freedom of expression is assured to children regardless of frontiers in the Democratic People's Republic of Korea. Children may make public or impart their ideas to other countries or international organizations orally, in message, in print or in other form. This right is guaranteed by article 78 of the Constitution, defining privacy of correspondence and the regulations on international mail.

71. Freedom of expression is subject to no restriction unless it undermines the rights or reputations of others, or infringes on national security, public order or public morals.

D. Access to appropriate information (art. 17)

72. The Government of the Democratic People's Republic of Korea pays attention to ensuring that children have access to information from various sources, aimed at the promotion of their mental, spiritual and moral well-being and physical health.

73. The mass media have special programmes for children. Radio broadcasts have set times for children each morning and evening. Television broadcasts have times for children, too. At such times, the broadcasts are devoted to an enjoyable collection of varied information suited to the child's psychological peculiarities and interest.

74. Publishing and broadcasting for children have long been regularized and the production and dissemination of children's books occupy a priority position in the publishing business. What is important in publishing and broadcasting for children are newspapers and magazines. The newspaper Rodong Chongnyon (Working Youth) carries a lot of information attracting senior middle-school pupils. It is issued 6 times a week and its total circulation is 800,000. There are such periodicals for children as Flower Buds, Sonyon Sinmoon (children's newspaper), Saenal (new day), Saesedae (new generation), etc.

75. The Kumsong Youth Publishing House and the Educational Books Publishing House concentrate on publishing children's books. Tens of thousands of copies of 400-odd books are produced each year for youth and children. Children's books are available at bookshops in every province (or municipality directly under central authority), city (or district) and county and are sent to school libraries and district or county children's libraries for perusal or loan.

76. The Government encourages the dissemination of foreign publications and basic scientific materials among children. In recent years alone, tens of thousands of copies of children's books, including selected works of world literature and world juvenile literature, works of writers and poets of different countries of the world, comic books, juvenile story books, picture books, etc. have been published through the measures taken by the Government. Under article 50 of the Socialist Constitution, the Government concludes agreements, protocols, contracts, etc. with foreign Governments or scientific research organs for the active exchange of science and technology and distributes to schools without delay newly acquired scientific and technical materials if they are helpful to children's education.

77. The Democratic People's Republic of Korea does not have the language problem of children belonging to a minority group as there are no racial minorities in its territory.

78. The Government of the Democratic People's Republic of Korea guards against elements that may hamper the sound spiritual and moral development of the child in its dissemination of information.

E. Freedom of thought, conscience and religion (art. 14)

79. The Government of the Democratic People's Republic of Korea respects the rights of the child to freedom of thought, conscience and religion. This is put into practice by ensuring freedom of speech and religious beliefs defined in the Socialist Constitution. Nobody is called to account, politically or legally, for his or her thoughts, conscience or religion.

80. The Government does not interfere in, but protects, any action of parents or legal guardians to educate the children under their care spiritually and morally or to inspire their religious devotion. In view of the demand for religious knowledge, experts in religion are educated in the Pyongyang School of Theology run by the Korean Christians Federation and the Department of Religion of the Kim Il Sung University.

F. Freedom of association and of peaceful assembly (art. 15)

81. Article 67 of the Socialist Constitution guarantees freedom of assembly demonstration and association, stipulating that the State shall ensure conditions for the free activity of democratic political parties and social organizations.

82. The legal public organizations of the child are the Socialist Working Youth League of Korea (for senior middle-school pupils) and the Children's Corps (for the pupils between the second year of primary school and the second or third year of senior middle school). In addition, as organizations for extracurricular activities for schoolchildren, there are science, art, sports and other circles in each city (or district) and county (see paras. 178-184). There are no regulations that impose any legal restrictions on the activities of the circles. The Socialist Working Youth League of Korea and the Children's Corps organize various assemblies and demonstrations. These are inspired by warm enthusiasm and the progressive spirit of valuing justice and truth and aspiring for a brighter future for mankind.

G. Protection of privacy (art. 16)

83. The Socialist Constitution defines protection of the family by the State in article 77 and inviolability of the person and the home and privacy of correspondence in article 78. Article 74, paragraph 3, of the Constitution states that copyright and patent rights shall be protected by law. Article 98 of the Criminal Law sets punishments for deliberately making a wrong assessment of or ignoring writing, inventions, technical innovations and works of art and literature out of greed, jealousy or other false motives or publishing another person's work under his or her own name, and article 152 punishes a person who insults another or who damages his or her honour.

84. It is a legal requirement to follow strictly the procedures and methods of law in case interference in a person's private life is unavoidable. The Criminal Procedures Act states that a search may be conducted only when sufficient grounds exist for suspicion that the offender is hidden or that there are articles or documents necessary for the clarification of an offence (art. 130); even when such grounds exist, search and seizure must be conducted with the public prosecutor's approval except in flagrante delicto (art. 131); for a search and confiscation, a warrant approved by the public prosecutor must be presented to the person subject to the search or to the person whose goods are subject to seizure (art. 132); search and seizure should be conducted during the daytime, except in an emergency (art. 134), should be attended by two observers and the search of a woman should be attended by women (art. 135); in cases where a personal secret that has nothing to do with the criminal case becomes known in the process of a search, it must not be revealed to the public (art. 137); and when there is the danger that a national or personal secret will be revealed, a trial may be closed to the public totally or partially (art. 16), etc.

85. Children, when their privacy has been infringed, may appeal to the population administration organ, public security organ or judicial and procuratorial organ concerned for the recovery of their rights. These organs then investigate the case in a responsible way and, if the appeal proves to be well-grounded, resolve it to the full.

H. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (art. 37)

86. Article 23 of the Criminal Law states that the death penalty may not be imposed on those who were under 18 years of age when they committed the offence, nor may it be executed against pregnant women. However, no such cases have occurred in the Democratic People's Republic of Korea.

87. Article 11, paragraph 1, of the Criminal Law states that punishment shall be imposed only on offenders who are over 14 years of age when they commit an offence and, in paragraph 2, that for offenders between the ages of 14 and 16 social education measures may be adopted at the stage of indictment or trial. By this special penal measure concerning juvenile crimes, juvenile offenders, who are seldom found, are usually admonished by public security organs and reformed through education under the responsibility of their parents and school, instead of being dealt with through criminal procedures. Therefore the institutions for reform through labour do not have juvenile inmates.

88. Articles 4 and 6 of the Criminal Procedures Act demand full guarantees for human rights, accuracy, objectivity and prudence in dealing with and disposing of a criminal case. These principles are enforced more strictly when the object of a case is a child.

89. Disciplinary punishment and penalties are strictly prohibited by policy as education methods at the institutions for educating and rearing children. The Government of the Democratic People's Republic of Korea emphasizes explanation, persuasion and influence by positive examples in the education of children.

VI. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance (art. 5)

90. The Government has taken various legal measures to respect and enhance the right to direct guidance and the leading role of parents and legitimate guardians over their sons, daughters and children under their protection.

91. Articles 20 and 21 of the Civil Law provide that a person under the age of 16 shall exercise civil legal actions through his or her parents or guardian and that a person at the age of 16 should get the approval of his or her parents or guardian if he or she is going to exercise a civil legal action beyond the range of his or her income. Article 27 of the Family Law defines education of children as an important duty of parents, and article 39 of the Law on Educating and Rearing Children requires crèche and kindergarten teachers to devote all of their enthusiasm to the education and rearing of children with a high sense of honour and pride in their work. These legal measures contribute remarkably to enhancing the leading role of parents and legitimate guardians in the realization of the rights of the child.

92. Some parents, however, are found to be careless about the education of their children, leaving it entirely to State institutions such as the school, kindergarten or crèche. In this connection, social measures are being taken to elevate the responsibility and role of parents.

93. The Government sees to it that profound theoretical analyses of the position and role of parents in child education and the realization of the rights of the child and the collection of positive examples in child education are issued and disseminated. Television and radio also broadcast such programmes regularly. This work of enlightenment greatly helps to enhance the responsibility and role of parents in child education and the realization of the rights of the child.

B. Parental responsibilities (art. 18, paras. 1 and 2)

94. Article 28 of the Family Law provides that parents shall take responsibility for and take normal care of their children's health and physical development and article 136 of the Criminal Law states that punishment is imposed on a person who, in duty bound to protect children, causes grave consequences by deliberately failing to do so. These legal provisions serve as a way to encourage the responsibility and role of parents and legal guardians in the protection and rearing of children.

95. The Democratic People's Republic of Korea does not lay the responsibility of bringing up children on one parent only. It is a generally accepted social consciousness that both parents should assume the responsibility together.

96. Article 2 of the Law on Educating and Rearing Children stipulates that all children shall be brought up at crèches and kindergartens at State and public expense. To bring children up under public care is an important State policy. This does not mean that the State disregards the responsibility and

role of parents and legal guardians in bringing up children. They assume the primary responsibility as they are related by blood or law with their children.

97. In the Democratic People's Republic of Korea, the State supplies mothers with the conditions necessary for educating and bringing children up (Family Law, art. 6).

C. Separation from parents (art. 9)

98. Article 25 of the Family Law states that children are related by blood with their parents and the relations between the children born outside marriage and their parents are no different from the relations between the children born in marriage and their parents. By this provision, children are entitled to enjoy the love and care of their parents living together with them. Children are never separated from their parents except when their parents are either committed to a reform institution or in quarantine due to infectious, mental or other diseases.

99. According to article 22 of the Family Law, the one to take care of children after divorce is decided by agreement of the parents in the interests of the children and, if no agreement is reached, the court takes the decision. If there is no special reason to the contrary, by law a child under three years of age is put under the care of its mother.

100. Article 13 of the Criminal Procedures Act states that, in cases where there is solid ground for believing that an offender can be reformed through social education, he or she may be committed to social education instead of being punished. This is applied to a mother, too, when she has committed a crime. When parents, especially the mother of a family, have committed a crime and the children are going to be helpless, compensation, fine or other administrative disciplines and social education are applied instead of punishment for the maintenance of the family, except some specific cases.

101. In case a woman with a baby has committed a crime, she is not detained, but in some unavoidable cases confined in her house or a definite area in accordance with articles 109 and 110 of the above Act in order to maintain her family.

D. Family reunification (art. 10)

102. Article 62, paragraph 2, of the Socialist Constitution states that a citizen is under the protection of the Democratic People's Republic of Korea regardless of domicile, and article 16 guarantees the legal rights and interests of foreigners in the region. These provisions meet the requirements of children and parents who want to come from or go abroad for family reunification.

103. A number of children of Korean residents in Japan are in the Republic for their education. The Government ensures the possibility of their leaving the country to see their parents and the entry of their parents, as required.

E. Recovery of child support (art. 27, para. 4)

104. Article 23 of the Family Law stipulates that the parent who maintains the children may ask the one who does not for child support until they reach working age, and that the expense is decided by the court within the range of 10 to 30 per cent of the monthly income of the parent who does not maintain them, depending on the number of children.

105. By article 24 of the Family Law, the person who does not personally maintain the children but is responsible for child support may ask the court to relieve him or her of the responsibility when he or she has lost the ability to work or the person who used to maintain the children marries. The court deals with the claim fairly.

106. The above-mentioned provisions are effective even when the person who does not personally maintain the children but is responsible for child support is in a foreign country. Until now, such a case has not arisen.

F. Children deprived of a family environment (art. 20)

107. The Law on Educating and Rearing Children states in article 18 that children who cannot be cared for by their parents shall be brought up at a baby farm and an orphanage; the Family Law stipulates in article 35, paragraph 1, that grandparents, too, should maintain their grandchildren who are without parents. In article 36, paragraph 2, it is stated that those who have the ability to do so should care for their brothers and sisters who are helpless; and in article 37, paragraph 2, that, if a family has nobody who is capable of maintaining the children, the latter are supported by the parents, grandparents, brothers or sisters living apart.

108. As of the end of 1994, there were no orphans wandering around as beggars in the Republic.

G. Adoption (art. 21)

109. Article 30 of the Family Law stipulates that a citizen may adopt minor children of others but this shall not be permitted if the citizen has been deprived of the right to vote or has a disease that is harmful to the health of children or has no ability to educate and bring up adopted children.

110. Under article 32 of the Family Law, adoption is recognized if it is registered in the identity registration organ following the application of the would-be adoptive parents and the consent of the population administration organ, and article 33 stipulates that the relationship between adoptive parents and adopted children is not different from that between natural parents and children.

111. According to article 34 of the Family Law, adoption is annulled by the registration in the identity registration organ following the agreement of the adoptive parents and their adopted children, or of the adoptive parents and the natural parents or guardians of the adopted children and the consent of the population administration organ concerned. If no agreement is reached on the annulment of adoption, the court takes the decision.

112. The Democratic People's Republic of Korea does not have a legal provision prohibiting the adoption of children in a foreign country, but there have been no reports of a child of the Democratic People's Republic of Korea who has gone aborad to be adopted by a foreigner.

H. Illicit transfer and non-return (art. 11)

113. Article 150 of the Criminal Law imposes penal punishment upon a person who steals or conceals a child in pursuit of selfish aims or from the motive of revenge. Such actions as the illicit transfer of a child abroad is regarded as a most serious case. There has been no report of such a case in the Democratic People's Republic of Korea where a person is most valued and children are "kings of the country". Instead, people are willing to bring up more children on their own responsibility.

I. Maltreatment and neglect (art. 19), physical and psychological recovery and social reintegration (art. 39)

114. Article 137 of the Criminal Law punishes a person who damages the health of a person who is under his or her protection, or who causes a person to commit suicide because of maltreatment; and article 136 punishes a person who, in duty bound to protect children, causes grave consequences by deliberately not doing so. Moreover, the Criminal Law imposes punishment on a person working at a nursery or kindergarten who causes a child under his or her care to be seriously injured or to die as a result of his or her neglect in article 99; a person who commits violence by such means as beating in article 149; and on a man who has sexual intercourse with a girl under the age of 15 in article 153.

115. Article 41 of the Criminal Law states that a person who has been granted a special or a general pardon and a person who has served his or her full time is regarded as guiltless from the day of the granting of the special or general pardon or from the day on which he or she completes the term and is not discriminated against under the law. As there have been no child inmates in a reform institution in the Democratic People's Republic of Korea, the question of social rehabilitation of a child released from a reform institution has not arisen.

J. Periodic review of placement (art. 25)

116. The Law on Educating and Rearing Children stipulates in article 47, paragraph 2, that crèches and kindergartens shall be directed by both the central administration education and public health organs and the local power organs; in article 48 that the central administration education and public health organs shall administer all aspects of educating and rearing children; and in article 49 that the local power organs shall direct the work of crèches and kindergartens in the areas under their jurisdiction.

117. By article 45 of the Family Law, the fulfilment of a guardian's duty is supervised by population administration organs. Direction and supervision in accordance with these provisions are centred on the education, rearing and protection of children.

118. The local power organs regularly direct and monitor the upbringing and education of and the extension of rights to children at schools of all levels, crèches, kindergartens, baby farms and orphanages. They do the same for the clinics, welfare service establishments and commodity supply organs that are attached to schools. Baby farms, orphanages, children's wards and children's sanatoriums are similarly administered by the local power organs.

119. Monitoring the extension of rights to children constitutes a major part of the work of the public procurators' offices at all levels.

VII. BASIC HEALTH AND WELFARE

A. Survival and development (art. 6, para. 2)

120. The Socialist Constitution states in article 56 that the State shall protect people's lives and improve the working people's health by consolidating and developing universal free medical care, improving the district-doctor system and implementing the policy of preventive medicine; and in article 76 that the State shall afford special protection to mothers and children. These constitutional requirements take concrete shape in the Public Health Law, the Law on Educating and Rearing Children, etc.

121. The important measure for child survival and development is the universal free medical-care system. It was introduced in January 1953, when the country was in the thick of the Korean war and was developed by the measure taken in February 1960. Article 9 of the Public Health Law elaborates the content of the complete and universal free medical service given by the State as follows:

> "1. All medicines provided by the medical establishment to patients, including outpatients, are free.
>
> "2. All services such as diagnoses, experiments, tests, treatment, operations, sick calls, treatment and meals while in hospital are free of charge.
>
> "3. Medical services for the working people's recuperation are free and the travel expenses to and from the places of recuperation are borne by the State and cooperative organizations.
>
> "4. Assistance in delivery is free.
>
> "5. Health check-ups, health consultations, preventive vaccinations and other prophylactic medical services are free."

This provision of the Public Health Law is applied to all citizens, including children, and ensures children the fundamental right to survival and development.

122. Article 10 of the Public Health Law provides that the State should direct deep concern and care to the protection of the health of women and children and that the State should give special benefits to a woman who bears more than one child at once and to her children and assumes the whole responsibility for

rearing children who have no one to take care of them. By this provision, special concern and care is directed to the protection of the health of women and children in the Democratic People's Republic of Korea.

123. The Law on Educating and Rearing Children has the following provisions regarding child survival and development:

(a) The State shall grant all sorts of benefits to all children so that they may grow up happily wanting for nothing and enjoying existing excellent modern facilities for their education and upbringing (art. 7);

(b) The State and public cooperative organizations shall ensure all the things needed for educating and bringing up children under their own responsibility, in accordance with the principle of "The best for children" (art. 12);

(c) The State shall afford special protection to women with children, grant maternity leave before and after childbirth, supply salary, provisions and a share of distribution at the expense of the State and the public cooperative organizations during the leave, enrol all pregnant women in time in maternity hospitals or other medical establishments, offer systematic medical service and assistance at childbirth free of charge and protect the health of women after childbirth, give pregnant women easy jobs suited to them and reduce the working hours of mothers of children allowing them full pay (art. 20);

(d) The State shall provide crèche and kindergarten children with systematic medical service free of charge in accordance with the universal free medical-care system, allocate medical workers and supply medical equipment and medicine to each crèche and kindergarten and offer timely preventive treatment to children through special medical establishments (art. 25). In addition, the Law on Educating and Rearing Children describes the details of supplying children with provisions, foodstuffs and hygienic living environments to bring them up in a cultural and scientific way.

124. The guarantee of survival and development for children as required by the Socialist Constitution, the Public Health Law and the Law on Educating and Rearing Children is one of the major tasks of the public health establishment.

125. The Ministry of Public Health, under the Administration Council and the departments concerned of the administrative and economic committee of the province, city or county, plan the work for child survival and development and administer the work of the child education and rearing organs and the preventive and curative medical-care establishments in the areas under their jurisdiction.

126. The Research Institute of Nutritional Care for Children, under the Academy of Medical Science, contributes to the scientific orientation of child feeding and the Research Section of Child Hygiene, which is a department of the Research Institute of Hygiene, to the provision of a hygienic environment to children.

127. One of the important preconditions for the guarantee of child survival and development is to protect the health of women, especially those who are pregnant or in the post-partum period. In view of this, the Government set up a well-arranged nation-wide network of medical services for mothers embodying the requirements of article 76, paragraph 3, of the Socialist Constitution, article 10 of the Public Health Law, article 20 of the Law on Educating and Rearing Children, etc.

128. Comprehensive maternity hospitals are located in large cities and obstetrical and gynaecological departments in the hospitals of the province, city, (or district) county or of factories and enterprises that have many women, to protect the health of pregnant women and provide for assisted childbirth in hospital. Rural village hospitals and combined clinics have midwives to take care of pregnant women and offer assistance in childbirth. The year 1992 witnessed a fourfold increase in the number of maternity hospitals; a 12.5-fold increase in the number of beds over 1970; and a 23-fold increase in the number of midwives over 1949. The Administration Council issued directive No. 26 in November 1992 to develop the obstetrical and gynaecological departments of city or county people's hospitals and the delivery rooms of ri (village) people's hospitals. All pregnant women have easy access to maternity and other hospitals and to the services of specially qualified doctors and midwives for delivery.

129. According to article 20 of the Law on Educating and Rearing Children, women are granted 150 days' paid maternity leave, and women with 3 children or more work for 6 hours, while getting paid for 8 hours.

130. Special State benefits are in store for the women who have multiple births and for their children. The paid maternity leave after birth is lengthened when a woman bears more than two children at once. Triplets are supplied by the State free of charge with clothing, bedding, a 1-year supply of dairy products and a preschool subsidy, and special medical workers take charge of such mothers and children and care for their health responsibly.

131. To guarantee child survival and development, it is of great importance to carry out preventive medicine. The Government has set up hospitals, clinics and public health centres in all provinces, cities, countries, dongs and ris as well as at the central level and assigned qualified doctors and experts to them. Thus no dong or ri is without a hospital and doctors in the Democratic People's Republic of Korea. The Government carries out an all-round examination of the health of all the population, including children and mothers, every spring and autumn through the medical establishments of the whole country, and regularizes vaccination in schools, kindergartens, crêches and all segments of the population.

132. Especially by the district doctor system in force, medical workers are in charge of some districts to monitor the health of the inhabitants, including children and mothers, and take measures for the prevention and cure of diseases.

133. The State system of educating and rearing children occupies a significant place in ensuring child survival and development. Every child is provided with the possibility of being brought up at a crèche and a kindergarten after

birth, irrespective of sex, residence or the profession of its parents. Crèches look after children from birth to 4 years of age and kindergartens from 4 to 6 years of age in a scientific and cultural way at State and public expense.

134. Children with no mother or unable to benefit from maternal care are nursed at a baby farm (equal to a crèche) and an orphanage (equal to a kindergarten) at State and public expense. Crèches and kindergartens take care of children in a hygienic way, supplying them with a sanitary living environment, indoor temperature and humidity control in accordance with the Law on Educating and Rearing Children. They regularly offer physical training to children with fresh air, sunshine, water, medical facilities and gymnastic apparatus suited to their age and constitution.

135. The health of children is incomparably better now as a result of the positive measure for child survival and development, the increase in the level of people's economic and cultural life, the improvement in food supply and nourishment, the popularization of sports activities and the development of medical service in accordance with the State's line of preventive medicine. The mortality per 1,000 children decreased from 204 in 1944 to 9.2 in 1991, which is one twenty-second of the former.

B. Disabled children (art. 23)

136. As has been mentioned in paragraph 40 (e), above there is no legal discrimination against disabled children in the Democratic People's Republic of Korea. With the complete implementation of the prophylactic system, the number of children with physical or mental disabilities is very small.

137. Whole-hearted assistance for disabled children is encouraged all over the country as a noble social virtue. The State pays special attention to ensuring disabled children every possible medical service and educational opportunity, all free of charge.

138. Disabled children of preschool age are usually enrolled and treated at the hospitals in their areas and seriously disabled children are admitted in a special hospital, together with a parent, for treatment. Medical workers devote themselves to the treatment of patients. This is one of the major requirements of the "Devotion Movement" among medical workers.

139. Disabled children of school age are offered every convenience so that they may continue to get medical service while learning at school. As separate schools for disabled children, there are three schools for the blind and nine schools for the deaf and dumb. These schools enrol more than 1,800 blind or deaf and dumb children over 9 years of age for elementary and secondary general education and training in a technical skill suited to their physical characteristics. These schools have dormitories, dining halls, medical offices and public service facilities, and boarding children get allowances from the State.

140. Teachers and pupils displays the virtue of devotedly helping the victims of infantile paralysis or other physical disability to go to school. Pupils regard it as their natural duty to help the disabled in school attendance and

study if there is such a child in their school or class, and teachers afford him or her additional individual teaching through regular family visits and extracurricular guidance. As of the end of June 1993, over 400 crippled and 200 blind children were being treated at special hospitals.

C. Health and health services (art. 24)

141. The Law on Educating and Rearing Children provides in article 25 that crèche and kindergarten children shall be supplied with systematic medical services; in article 26 that every crèche should have a children's ward in it for the children whose sickness is not so serious as to be treated in hospital; in article 27 that children's sanatoriums shall be built in scenic spots, spas and seashores for the improvement of child health; in article 28 that State organs and the child education establishments should look into the health and physical growth, take due measures, scientificate and incessantly develop child education; etc. Article 10 of the Public Health Law states that the State should display deep concern and care for the protection of the health of children. These provisions guarantee the protection and promotion of children's health as well as prevention and treatment of diseases.

142. A close network of medical services for children covers the whole country, protecting and promoting their health. Each provincial seat has a children's hospital and the people's hospitals of the city (or district), county or ri and the polyclinics of the dong have a paediatric department.

143. Each crèche, kindergarten, elementary or senior middle school has a clinic and doctors to look after the health of pupils. In 1992, the number of children's hospitals increased up to three-fold and that of beds in them 2.7 times over 1970. At the moment a modern central children's hospital with 1,000 beds is under construction in Pyongyang.

144. In the Democratic People's Republic of Korea, preventive inoculation is conducted for children on a regular basis every year. Inoculation of children in 1994 compared with 1991 is as follows:

DISEASE	1991	1994
	(in percentages)	
Pertussis, diphtheria	97	96.3
Measles	99	99.7
Infantile spinal paralysis	99.5	99
Tuberculosis	99.6	100
Tetanus	100	99.5

145. The Government is specially watchful against infection in the children's living environment. It maintains the principle of constructing crèches,

kindergartens and other establishments for children, schools, children's parks, recreation sites and playgrounds at the best places, which are kept safe from environmental pollution.

146. Under articles 54 to 56 of the Law on Educating and Rearing Children, each city (or district) and county has a children's foodstuff processing factory or workshop. The service organs supply crèches and kindergartens, on a regular basis, with milk, eggs, fruit, candy, oil, etc. in conformity with children's nutritional standards.

147. Article 41 of the Law on Educating and Rearing Children states that those working in children's educational establishments including crèches and kindergartens should not have any disease that might affect the health of children. This principled requirement is applied to the workers who produce or handle children's food. The Government periodically conducts examinations of the health of teachers and other educational or service workers, and enhances the role of public health inspection organs to prevent diseases.

148. All of the urban or rural residential houses, crèches, kindergartens, schools, etc. are equipped with water service facilities and only drinking water above the standard fixed by the Ministry of Public Health may be supplied.

D. Social security and child-care services and facilities (arts. 26 and 18, para. 3)

149. The Democratic People's Republic of Korea broadly introduces the social policies of protecting and taking care of children under the principle of "The best for children". The complete and universal free medical system, the universal compulsory free education system and various other policies of the State, inter alia, fully guarantee the indispensable conditions for children's growth and development. Therefore, children are not a financial or economic burden upon a family. In other words, a family with many children gets so much more benefit from the State.

150. By the Law on Educating and Rearing Children, crèches and kindergartens are built with a capacity of 300 and 200 per 1,000 households in urban residential areas and with each work team (or village) of a cooperative farm as a unit in rural areas. A crèche or a kindergarten should be built in a place with the following sanitary conditions: (a) sunny, airy, well-drained, (b) not polluted by smoke, gas, dust or noise and (c) not too close to a reservoir, river, factory, enterprise or cattleshed.

151. Crèches and kindergartens are arranged and run in favour of children's education and participation of women in public work. Such places as textile mills, where many women work, have a crèche and a kindergarten belonging to the factory. The women of an organ or enterprise with few women employees leave their babies to the care of the crèche in the district where they work and the children of more than 2 years of age to the care of the crèche in their residential district. This is a measure to enable women to work, leaving their children behind. Crèches are basically in the form of day crèches, but there are weekly and monthly crèches as well. A weekly crèche is

where children board from Monday to Saturday and a monthly crèche is the same with a stay of one month. These forms of crèche are usually used by woman cadres, actresses, correspondents, teachers or scientists.

E. Standard of living (art. 27. paras. 1-3)

152. In the Democratic People's Republic of Korea, all people are evenly well-off with no worry about food, clothing and housing. There is nobody who is extraordinarily rich or poor, no unemployed workers, beggars and tramps in search of food. This is the result of the popular policy that the State takes care of people's life under its own responsibility.

153. As stipulated in article 15 of the Law on Educating and Rearing Children, children are supplied with provisions from the day of their birth at so cheap a price as to be nearly free. Malnutrition does not exist among children in the Democratic People's Republic of Korea.

VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance (art. 28)

1. Right to education

154. The Socialist Constitution provides in article 45 that the State shall develop universal compulsory 11-year education, which includes a compulsory 1-year preschool education at a high level in accordance with the trend of modern science and technology and the practical requirements of Socialist construction; in article 47 that the State shall provide education to all pupils and students free of charge and grant allowances to students of universities and colleges; in article 49 that the State shall maintain all children of preschool age in crèches and kindergartens at State and public expense.

155. The right to education provided for in the Constitution has long been guaranteed fully by law and government policies. The constitutional requirement for free education was extensively realized many years ago by Cabinet decision No. 18 on the general abolition of school tuition fees of, March 1959. The right of preschool children to education is ensured by the provisions of article 45 of the Socialist Constitution and the Law on Educating and Rearing Children of April 1976.

2. Compulsory education

156. The Government enforced compulsory school education stage by stage under the principle of educating every member of the population. The universal compulsory primary education system (four years) was introduced in 1956, the universal compulsory secondary education (seven years) in 1958 and the universal compulsory nine-year technical education in 1967. All these developed into the universal compulsory 11-year education, comprising 1-year preschool compulsory education and 10-year compulsory senior middle-school education from 1973, which was completely instituted in 1975.

157. The universal compulsory 11-year education currently in force is a compulsory free education that gives a complete general secondary education to children between 5 and 16 years of age. This period consists of a one-year kindergarten class, four years of primary school and six years of senior middle school.

158. As of 1994, the number of kindergartens providing compulsory education was 13,722, that of primary schools 4,956 and that of senior middle schools 4,809; the enrolment rate of school-aged children at primary and senior middle schools was 100 per cent.

159. The Government sets up branch schools for the children of remote mountain areas and solitary islands where conditions are unfavourable for school attendance. One of them is in a lighthouse island where there are only five children. The power organs of the area concerned supply teachers, teaching facilities and school materials to these branch schools without exception. School buses and trains help school attendance in remote mountain areas.

160. In order to enforce more satisfactorily the universal compulsory 11-year education, the Government stresses the re-education of teachers and the equipment of schools with up-to-date facilities.

3. Free education

161. Proceeding from the stand of assuming the entire responsibility for educating people, the Government has systematically broadened the scope and objects of free education. Just after the liberation of the country from Japanese colonial rule, the Government took the measures of exempting children from poor families or with no parents from paying tuition and of supplying textbooks and daily necessities free of charge.

162. The efforts to enforce universal compulsory primary education and universal compulsory secondary education free of charge began before the war in the Republic. The Government took the epochal measure of abolishing tuition fees at primary and junior middle schools in 1958. Following this success, tuition fees were extensively abolished at all educational establishments in 1959 and education was provided at State expense.

163. In the Democratic People's Republic of Korea, not only all the regular education from crèche and kindergarten to university but also various forms of social education is free. Children use the students' and children's places (or halls), libraries, camps, etc. free of charge. The State bears 50 to 60 per cent of the expense of textbooks supplied to all pupils. In particular, for children with no parents or no person to support them, the State supplies food and clothing as well as textbooks, school materials and daily necessities free of charge during the period of compulsory education. For children whose parents are too old or are unable to work because of illness, too, the State provides all textbooks and school materials free of charge.

164. The Government has systematically increased the State's investment in education for the better realization of compulsory free education. The educational expenditure of the 1992 State budget was 110.8 per cent as against 1991. The fund for social culture, including education,

was 103.5 per cent in 1991 as compared with 1990, 111.6 per cent in 1992 as compared with 1991, 103.5 per cent in 1993 as compared with 1992 and 102 per cent in 1994 as compared with the previous year.

4. Technical education

165. Article 44 of the Socialist Constitution provides for a close combination of general education with technological education, and education with productive labour. Under this system, schools at all levels give technological education to pupils on the basis of a full general education, instead of vocational training of narrow scope.

166. At the stage of compulsory education, technical education is given at senior middle schools. Senior middle schools teach basic technological knowledge such as the basic principles of production and technology, electricity and machinery, based on the general secondary education. The typical subjects are the basis of electronic engineering, electives (automobile, tractor, machine tools, communication, forestry), etc.

167. The secondary technical education for senior middle-school graduates is given at specialized schools. The courses last 2.5 to 3 years and graduates are technicians and experts of the secondary grade.

5. International cooperation

168. The Government of the Democratic People's Republic of Korea pays great attention to international cooperation for the development of children's education. A variety of exchanges and cooperation are proceeding with many countries in the field of education and culture, one example being the First Conference of Educational and Cultural Ministers of Non-Aligned and Developing Countries held in Pyongyang in September 1983.

169. The Government attaches great importance to its relations with international organizations such as the United Nations Educational Scientific and Cultural Organization (UNESCO) and UNICEF. The Democratic People's Republic of Korea hosted the Sixth Semi-Regional Symposium for the Elimination of Illiteracy and Continuing Education for Workers between 26 August and 10 September 1991. And from 16 to 24 September of the same year, the UNICEF Consultative Meeting on Early Education and Child Development was held in Pyongyang.

170. UNICEF decided to offer the Democratic People's Republic of Korea assistance in the amount of $8.6 million in three tranches from the year 1986, of which $4.4 million has already been realized.

B. Aims of education (art. 29)

171. The Democratic People's Republic of Korea has defined the basic aim of education as being to raise all children to be strong, independent and creative people and real masters of the country and society, with the major task being to raise the level of education in terms of knowledge, morality and physical culture.

1. Harmonious mental and physical development

172. The Government is greatly interested in ensuring that the curriculum for each level of schools is pedagogically in line with the level of mental and physical development of children and with modern requirements. The Academy of Peadagogical Science conducts systematic research in the pedagogical and practical determination of curricula. The central administration organ for education improves curricula based on the success of the forward-looking and planned research of the Academy.

173. Children develop their personality and talent to the full, enjoying general secondary education irrespective of their family origin, regional background, sex, social and economic status. Teachers consider it their natural duty to discover in time personal characteristics, mental and physical aptitudes and a germ of talent, offering suitable education and devoting much effort to it.

174. The Democratic People's Republic of Korea has a separate education system to enhance the originality, outstanding aptitude and talent of children. There are schools for mentally gifted children and schools for those outstanding in art or sports in the capital and in the provinces, where special education gives full scope to their talents. This education system falls under the compulsory education system and is also completely free of charge. Children of remarkable aptitude and talent may choose their education system according to their personality and wishes.

2. Cultivation of noble personality and moral character

175. It is one of the major points of education to cultivate a noble personality and moral quality in the child, along with harmonious mental and physical development. All educational institutions and teachers share the common task of imbuing children with the spirit of respecting their parents and seniors, of loving their brothers, sisters and comrades and of feeling attached to their birthplace, village, nation, motherland and the Socialist system that is centred on the masses of the people.

176. In the Democratic People's Republic of Korea, children are educated not only to hold their own national culture, traditions and language dear, but also to respect the culture, language and history of other peoples. Much attention is directed to educating children in a feeling of friendship, solidarity, peace and fraternity towards other peoples of the world and respect for human rights.

177. Children's education is devoted to giving free scope to their spirit of self-reliance, self-awareness, personality and creativeness, and this is carried out by means of explanation, persuasion and the influence of positive examples. Teachers love pupils as their own children and respect their personality. School education, family education and social education, which are closely linked, are cooperative effort.

C. Leisure, recreation and cultural activities (art. 31)

1. Legal and administrative measures

178. The Socialist Constitution states in article 52 that the State shall enlist the working masses widely in literary and artistic activity; in article 53 that the State shall provide sufficient modern cultural facilities to meet the demands of the people who want continually to improve themselves, both mentally and physically, so that the working people may enjoy a Socialist cultured, aesthetic life to their hearts' content; in article 55 that the State shall popularize physical culture and sport, making it a daily regime; in article 71 that citizens have the right to relaxation; and in article 74 that citizens are free to engage in scientific, literary and artistic pursuits.

179. The Government has tried to ensure the constitutional right of children to relaxation, literature, art and sports activities. The Administration Council adopted its decision No. 45 on 7 March 1992 to popularize sports activities among the pupils of primary and senior middle schools and took measures to promote the activities of literature, art and sports circles at students and children's palaces.

2. Leisure, literary, art and sports activities

180. To help children's relaxation, literary, art and sports activities, the Government has built students' and children's palaces, camps, gymnasiums, fun fairs, children's parks and children's libraries at scenic spots and places with good conditions. There are 40-odd students' and children's palaces all over the country, which are comprehensive bases of children's extracurricular education. The Mangyongdae Students' and Children's Palace, newly built in Pyongyang, in 1989, has room for various circles of science, art and sports, an indoor stadium an indoor swimming pool, etc. Children come here after school to participate in art or sports activities according to their taste and aptitude. The Government plans to build a hall of the same sort in each city or county. Camps are run by seasons and the annual number of children attending camps is over 112,000. In April 1992, an international camp of the Children's Corps was set up in Wonsan, a coastal city.

181. Each school has various sports and art circles, and children join them according to their taste and aptitude. Children's athletic meetings take place every spring and autumn and two or three days a week are set aside for extracurricular sports activities at primary and middle schools. Various sports matches and art contests are organized every year at the county, municipal, provincial or national levels.

182. Aimed at encouraging art and sports activities among children, a variety of national competitions are organized every year. These are held with county, city and provincial preliminaries, followed by finals. Some examples are as follows: sports games for the "September 5 Prize"; national children's art festival; national children's vocal, instrumental and dance solo contest; national children's exhibition of literary works and models based on scientific imagination; and kindergarten children's art festival.

183. The "My Classroom" Literature Prize is conferred for literary excellence. From 1987 to 1994, more than 3,780 children were awarded the prize.

184. Educational institutions frequently organize visits, expeditions and study tours for children. Primary and senior middle schools periodically arrange visits, expeditions, sightseeing and inspection of historic and revolutionary sites, factories, enterprises, scenic spots and cultural establishments, and the sixth year pupils of senior middle school have a study tour for one week.

3. Broadcasts, publications and films for children

185. There are such periodicals as Flower Bud (kindergarten magazine) Saenal (senior middle school newspaper) and Saesedae (monthly magazine for pupils) and various other publications for children. These publications carry interesting literary works, educational materials and scientific knowledge suited to the level and psychological characteristics of children.

186. Television and radio have fixed times for children's broadcasts (see paras. 72-74).

187. Children's films and dramas are produced. Cartoons, science and educational films and various other sorts of children's films serve for the education of children. Among them such films as "Young General" or "Clever Raccoon Dog" are highly praised for their remarkable contribution to patriotism and the mental development of children. Puppet shows and dramas for children are also widely staged.

IX. SPECIAL PROTECTION MEASURES

A. Children in emergency situations (arts. 22, 38 and 39)

1. Refugee children

188. Article 16 of the Socialist Constitution guarantees the legal rights and interests of foreigners in the territory of the Democratic People's Republic of Korea and article 9 of the Law on Educating and Rearing Children provides that the children of those who have come from abroad seeking refuge in the Democratic People's Republic of Korea are also entitled to education in crèche or kindergarten at State expense according to the wish of the parents.

189. In practice, there has been no refugee from a foreign country since the latter half of the 1950s. As a result, the question of protecting refugee children has not arise.

190. Today, the people lead a stable life with no worry about food, clothing and housing and under no threat of political suppression or economic poverty, thanks to the anthropocentric Socialist system of their own style and the popular policies of the Government.

2. Children in armed conflict; their psychological and physical recovery

191. In the Democratic People's Republic of Korea, no person under 16 years of age is permitted to serve in the army. A citizen enlists in the army on a strictly voluntary basis as provided by the Constitution.

192. Even in wartime, the Government maintained the policy of offering special protection to children. In the days of the Korean war, the Government evacuated children to safe places in the rear and took special measures to protect their life and health. It established preschool orphanages and orphans' primary schools to protect and educate war orphans.

B. Children in conflict with the law (arts. 37, 39 and 40)

1. Administration of juvenile justice

193. By virtue of article 11 of the Criminal Law, juvenile offenders between the ages of 14 and 16 may be placed under penal charges in accordance with the procedures and methods of the Criminal Procedures Act. They are subject to all the benefits of human rights protection provided for by the Act and to extenuated penalties following article 33 (4) of the Criminal Law. In reality, there are very few juvenile offenders and social education is usually adopted for them (see para. 87).

2. Children deprived of their liberty

194. The requirement of the Convention not to deprive children of their liberty unlawfully or arbitrarily is met by the provisions of the Criminal Law mentioned in paragraphs 86 and 87 above, and of the Criminal Procedures Act in its section 5, chapter 4. The Democratic People's Republic of Korea has such forms of confinement as detention, house arrest, confinement in a certain area or in the place of residence of the person subject to preliminary examination, according to article 104 of the Criminal Procedures Act. Juvenile offenders may be subject to such deprivation of liberty depending on their crimes, but as social education is preferred for juvenile offenders, none are actually confined or deprived of liberty.

3. Prohibition of capital punishment and life imprisonment

195. By articles 11 and 23 of the Criminal Law, there is the legal possibility of adopting social education for juvenile offenders, and the death penalty may not be imposed on them. No child has, in reality, been punished by law for his or her crime. Nor has the death penalty been handed down in respect of a child.

4. Physical and psychological recovery and social reintegration

196. Article 41 of the Criminal Law provides for non-discrimination against tho e who have been released from a reform institution. This may serve as a legal guarantee for the social reintegration of a juvenile offender after his or her release from a reform institution. But now that social education is preferred, as mentioned above, the question does not actually arise. The

social education of a juvenile offender itself is a way of reintegrating him or her, with a sound spiritual and moral fibre, into the life of the society (see para. 115).

197. There are no social sources that produce crimes, and education of the child is well organized by the close combination of school education, social education and family education. All this results in very few offences among children. There are some traffic offences or public morality offences but extremely seldom. The offenders are reformed by the social education of their educational institution (school) and family education.

C. Children exploited for interest's sake (arts. 32-36)

1. Economic exploitation, including child labour

198. By article 30 of the Socialist Labour Law, the young people who go out into the world for the first time are given jobs in accordance with their sex, age, physical constitution, wish and technical skill level. Child employment has been strictly prohibited since right after the liberation of the country and now such a question does not arise in the Democratic People's Republic of Korea.

2. Drug abuse

199. Article 102 of the Criminal Law defines the punishment for a person who grows opium poppies illegally, who produces, possesses or uses narcotics or poisonous drugs or who supplies them to others.

200. In the Democratic People's Republic of Korea today, it is not permitted to use narcotics or excitants without the prescription of a doctor, and child drug addicts or the use of children in the illicit production and trafficking in such substances are unthinkable. The illegal import of drugs is specifically forbidden by the customs regulations.

3. Sexual exploitation and sexual abuse

201. Article 153 of the Criminal Law provides for a heavy penalty for a man who rapes a woman using violence or threats or taking advantage of her when she is helpless, and for a man who has sexual intercourse with a girl under the age of 15. By article 154 of the same law, a man is also to be punished when he has obliged a women who is officially or by duty his subordinate to have sexual intercourse with him. These provisions serve as powerful legal means to prevent sexual abuse of children.

202. The Democratic People's Republic of Korea has had no case of inducement or coercion of a minor to engage in any unlawful sexual activity, exploitative use of children in prostitution or other unlawful sexual practices and the exploitative use of children in pornographic performances and materials. These are considered to be unimaginable and most disgraceful among the people.

4. Other forms of exploitation

203. Article 76 of the Socialist Constitution, which provides for special protection of children, is a legal guarantee for safeguarding children from all forms of exploitation. Children have not actually been used as a means of making money or an object of exploitation in the Democratic People's Republic of Korea.

5. Sale, trafficking and abduction

204. Article 150 of the Criminal Law lays a criminal charge on a person who steals or conceals a child in pursuit of selfish aims or from the motive of revenge and prohibits permitting any abduction of, sale of or trafficking in children. The Democratic People's Republic of Korea has had no case of abduction of or traffic in children or the sale of children to a foreign country for commercial purpose.

D. Children belonging to a minority or an indigenous group (art. 30)

205. The Democratic People's Republic of Korea is a homogeneous nation with a time-honoured history and has no ethnic minorities or primitive tribes. Therefore the question of protecting the children of such groups does not arise and there is no need to take legal, administrative or other social measures for it.

206. The Government of the Democratic People's Republic of Korea will in the future, too, reliably discharge its honourable and important obligation as the custodian and provider of the rights of the child and, by so doing, remain faithful to the Convention on the Rights of the Child.